



CISA
CYBER+INFRASTRUCTURE

May 28, 2019

SENT VIA EMAIL TO: 39337-08652373@requests.muckrock.com

Patrick Howell O'Neill
Dept MR 39337
411 Highland Avenue
Somerville, MA 02114-2516

Re: **2017-NPFO-00605**

Dear Mr. O'Neill:

This is a final response to your Freedom of Information Act (FOIA) request dated June 29, 2017, to the Department of Homeland Security (DHS), Cybersecurity and Infrastructure Security Agency (CISA), formerly the National Protection and Programs Directorate (NPPD), in which you requested "all memos, reports, guidelines, procedure, summaries, and emails pertaining to the event, codenamed "Nuclear 17", in which a cyber-intrusion took place affecting multiple sites in 2017".

Please be advised that CISA can neither confirm nor deny the existence of any such records responsive to your request. The existence or non-existence of such records is protected pursuant to Exemptions 3 and 4 of the FOIA, 5 U.S.C. § 552(b)(3), (b)(4). Exemption 3 pertains, in part, to information specifically exempt by statute from disclosure provided that such statute requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue. *See e.g.*, 6 U.S.C. § 673(a)(1)(A), 6 C.F.R. § 29.8(g); 6 U.S.C. § 1504(d)(3); 49 U.S.C. § 114(r), 49 C.F.R. § 1520.15; 16 U.S.C. § 824o-1(d)(1), 18 C.F.R. § 388.113. Exemption 4 pertains to commercial or financial information obtained from a person which is privileged or confidential.

This response should not be interpreted as an indication that records do or do not exist. This is a standard response issued by DHS CISA for FOIA requests of this particular nature.

You may contact the CISA FOIA Public Liaison at 703-235-2211 for any further assistance and to discuss any aspect of your request. You may also contact OGIS at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the response to this request, you may administratively appeal by writing to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.8. Your envelope and letter should be marked "FOIA Appeal." Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow the CISA FOIA Office to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.

If you need to contact our office again about this matter, please refer to **2017-NPFO-00605**. This office can be reached at CISAFOIA@HQ.DHS.GOV or 703-235-2211.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela Washington', followed by a stylized flourish or second signature.

Angela Washington
Acting, FOIA Officer
Cybersecurity & Infrastructure Security Agency